

1895-020
Lee Co.

Chancery Causes: William M. Derry vs. Sarah Derry

Brooks, Campbell, Yeary, Derry, Slomp

CA-Divorce
T-Vices

To the Honorable H. S. K. Marison
Judge of the Circuit Court of Lee
County Virginia.

Humbly Complaining your orator
W. M. Deary would respectfully represent
and shew unto your honor that he is a
citizen of said County and State of said
and has been domiciled therein for more
than one year, that on or about the
day of he married his
present wife Sarah E. Deary and they
lived together as man and wife
when she became untrue to him
and would not stay at home and he
became satisfied that she was guilty of
acts of adultery and they separated and he
has not lived or cohabited with her since
and he is well satisfied and therefore charges
that his said wife has been guilty of
frequent acts of adultery since their separation
as well as before, and that said acts of
adultery were not committed by his
procurement or connivance and that were
committed within five years of the bringing
of this suit. The object of this bill is therefore
to obtain a divorce from the bonds of matrimony
now existing between your orator and his
said wife and that the said marriage be

wholly dissolved, And to effect this he
prays that the said Sarah E. Deary be
made a party defendant to this bill and
be required to answer the same on oath
and that upon a hearing adverse to this end
be ordered in favor of plaintiff, and
for all other and further relief general
May spe. issue and if necessary pub-
lication be made against defendant who
may be a non-resident.

M. G. Ely P. Q.

Tax 1.50
 6 8.60
 Dr. 5.00
 depo 2.50
 Atty 15.00
 \$32.60
 Mc 2.20
 \$34.80

90 to 00
 D-

W. M. Dearry
 W. Bittin
 Tax E. Dearry

9.11
 2.35
 6.76

1892 Spd not Exd
 Octo Bill filed & O.D.
 Novn Rules Court for O.D.
 Decr " continued
 1893 Jan Order Rule Court
 " 2 " Rules Court
 " 12 Feb " "
 " 14 2 Mr " "
 " 14 2 " Apr " "
 " 14 2 " May " "
 June Term Court
 1893 Novr Term Court
 1894 March " "
 " June " "
 " Novr " "
 1896 March Term Decree
 final See Chcy ord.
 Book Page 147

W. M. Dearly vs. Sarah E. Dearly } } Decree.

This cause, in which the plaintiff appears to have proceeded against the defendant, who is out of this commonwealth, in the mode prescribed by law, against absent defendants, and she still failing to appear, and answer, came on this day to be heard on the bill, and depositions of witnesses and was argued by counsel for the plaintiff; on consideration whereof, the court being of opinion that the charge of adultery against the defendant is fully proved, doth adjudge order and decree, That the marriage heretofore solemnized between W. M. Dearly and Sarah E. Dearly, be and the same is hereby dissolved, the said W. M. Dearly forever divorced from his wife the said Sarah E. Dearly, And nothing further remaining to be done in this suit it is ordered that the same be removed from the docket.

W. M. Deary
no. 112 Decennial

Sarah E. Deary

O. B.

Book

Page 147

Enter this

W. M.

March. 7th 1895

The depositions of Charley Brooks and others
taken before me L. P. Bray a justice of
the Peace for the County of Claiborne and State
of Tennessee, on the 19 day of Oct 1892
to be read as evidence on behalf of W. M. Deary
in a certain suit - in equity depending in the
Circuit Court of Lee County Va. wherein
W. M. Deary is Plaintiff and Sarah E. Deary is
def't.

Present,

being duly sworn deposes and
saith:

Ques 1st. State your age and occupation.

I seen Charley Brooks and the deft down behind some
bushes then after they was gone I saw where some body layed

Ques 2nd. Are you acquainted with the parties to this
suit?

Th. Deary

Ques 3rd. State all you may know concerning Sarah E. Deary
as to whether or not you know of her being guilty
of acts of adultery.

I could have seen Brooks and her at the very act if I
had looked at them that is Charlie she lay ^{head} on his
lap at my house. I have had intercourse with her
my self ^{more} different times L. H. J. Brooks

Ques 4. Did you ever have sexual intercourse with
her, while she was the wife of W. M. Deary, or
do you know of any one who did?

I was down at this house and she ~~was~~ was
telling me about cussing a man when he ask
her it and she hus would you cuss me if I was
to ask you and she said she wouldn't
she said a woman could git around a man three
times to a mans ever

Albert Campbell

~~Malissie~~

1
2 I seen Elizabeth Dary, and Charlie Brooks
3 go down the river to a alde house at different
4 times and she toled me that she wouldnt
5 give Charlies Little finger for Wm Dary
6 she and he was at my house and layed
7 this heads birt in ones of first one and the
8 other laps. I have seen Charlie make signs
9 to him to go to ward the alde house
10 sworn to this Oct 19 1892

11 Malissie Brooks

12 Luv, P. Bray J.P

13
14
15 I went to Dary house and heard something
16 as some body jump out the bed and Charley Brooks
17 was there and when he started off hand took
18 25cts in silver out in his hand and made motion
19 to him to go to the spring and she went
20 sworn to this Oct 19 1892

21 Larpus Wiros

22 Luv P. Bray J.P

This to Certify that I have known Wm.
Deary for fifteen years or more and I never
knew anything discreditable about him
Lud. P. Bray

To the public or all whom it may
concern,

I have known Wm. M.
Deary since he was 6 years old.
Have always found him reliable
in every respect, and especially
while he was living with said
Sarah Deary, I never saw anything
unbecoming of him, he and Sarah
lived in about $\frac{1}{2}$ or $\frac{3}{4}$ mile of my
office and Mrs. Deary was working
for me frequently.

Also will say I can not say the
same of Mrs. Deary.

Respectfully

L. G. A. Brooker, P. M., et.

Albendale,

June,

W. M. Deary Dep.

2033 Depositions

Carroll E. Deary Dep.

Filed Oct. 26/1892.

J. A. H. Bryant
cc

State of Tennessee.
County of Blount 3rd to wit
I, J. P. Bray, a Justice of the Peace in and
for the County and State aforesaid do
hereby certify that the foregoing Depositions
were duly taken, sworn to and subscribed
before me at the time and place mentioned
and for the purposes set forth in the caption
in my County and State aforesaid.
Given under my hand this the 19 day
of Oct 1892

Geo. P. Bray

J. P.

I have been thinking of you
 and wondering how you are getting on.
 I hope you are well and happy.
 I have been thinking of you
 and wondering how you are getting on.
 I hope you are well and happy.
 I have been thinking of you
 and wondering how you are getting on.
 I hope you are well and happy.
 on the 12th of February.

I have been thinking of you
 and wondering how you are getting on.
 I hope you are well and happy.
 I have been thinking of you
 and wondering how you are getting on.
 I hope you are well and happy.
 I have been thinking of you
 and wondering how you are getting on.
 I hope you are well and happy.

Ques 2: Are you the same?
 Yes.
 Ques 3: What was the object of the
 visit of the Co. for the purpose of
 institution in this country?

Yes.
 Ques 4: Where the act is
 within the five years mentioned in the
 institution in this country, it is no statement
 or not true. Are committed by your presence
 in the country?

Ques 4:

institution of this kind, and ... Committee
without any ...
and further this is ...

I John ...
hereby certify that the foregoing ...
of W. M. Derry was ...
... me, for the ...
mention of ...
my ...
P. ...

Received by mail
in good condition
and filed by the
18th ...
...

The depositions of C. Simpson thus
taken before me ^{Car. Bailey, a Commissioner in Chancery for} ~~the Circuit Court of Lee County~~ ~~and for the County of Lee~~
~~and state of Va. on Nov. 8th 1892~~ to be read
as evidence in behalf of W. M. Deary in a
suit now pending in the Circuit Court
Lee County wherein W. M. Deary is Plaintiff
and Sarah E. Deary is defendant, pursuant
to ^{an} order of publication.

Present Plaintiff and his Counsel.

Ques. 1st State your age and occupation.

Ans. 52 years old, Farmer by occupation.

Ques. 2nd Are you acquainted with the Plaintiff to
this suit W. M. Deary? How long have you
known him?

Ans. I am I have known him for about
two years.

Ques. State all you may know concerning his
general character (if you are acquainted with the
same) and is it good or bad?

Ans. His character is very good so far as I know.
I know nothing derogatory to the same.
He is considered a man of good repute in the
neighborhood in which he lives and is a man
of truth and veracity as I believe.

And further this deponent saith not.
C. Simpson

Lee County Va.
Car. Bailey, a Commissioner in Chancery for the Circuit of
~~John Bailey a Justice of the Peace in and for the County~~
of Lee County do certify that the foregoing deposition was taken
subscribed and sworn to before me for the purposes
set forth in the caption, given under my hand
this 8th day of Nov. 1892.

Car. Bailey
Comm. in Chancery &c -

J.P.

The Circuit Court of Lee County Va.

John Bailey a Justice of the Peace in and for the County of Lee County

W. M. Deary

To ²³/₃₃ Depositions

Sarah E. Deary.

State of Tennessee } J. H. Brooks
Clairborne County } (affirmed by
Oath Age 40 years of age.
and made oath in due form of law and
says that he had sectional intercourse
with Elisabeth Deary at different times
when she was living with Wm Deary
and further says he could have seen
Charlie Brooks if he had looked, and has
seen Charlie make signs for him to come to
him several times.

sworn to and subscribed This Nov 29 1892
J. H. Brooks

Jno. P. Bray J.P.

State of Tennessee } Husten Deary
Clairborne County } (affirmed by Oath
Age 45 years. and made oath in due form
of law and says he seen Charlie Brooks
and Elisabeth Deary grow behind some
bushes near a old house and after they
came out he went and saw where some
body had layed. sworn to and subscribed
This Nov 29 1892
Husten Deary

Jno. P. Bray J.P.

[Faint handwritten notes and markings on aged paper]

State of Tennessee } Melissa Brooks
Claiborne County } (the wife of a former
personally appeared before me the undersigned
in court and made oath in due form of
law and says that she had seen Charles Brooks
make signs to Elizabeth Deary to come to him
at different times and further says
she did see L. H. Brooks and him at
the very act in a camp patch

This Nov 29 1892

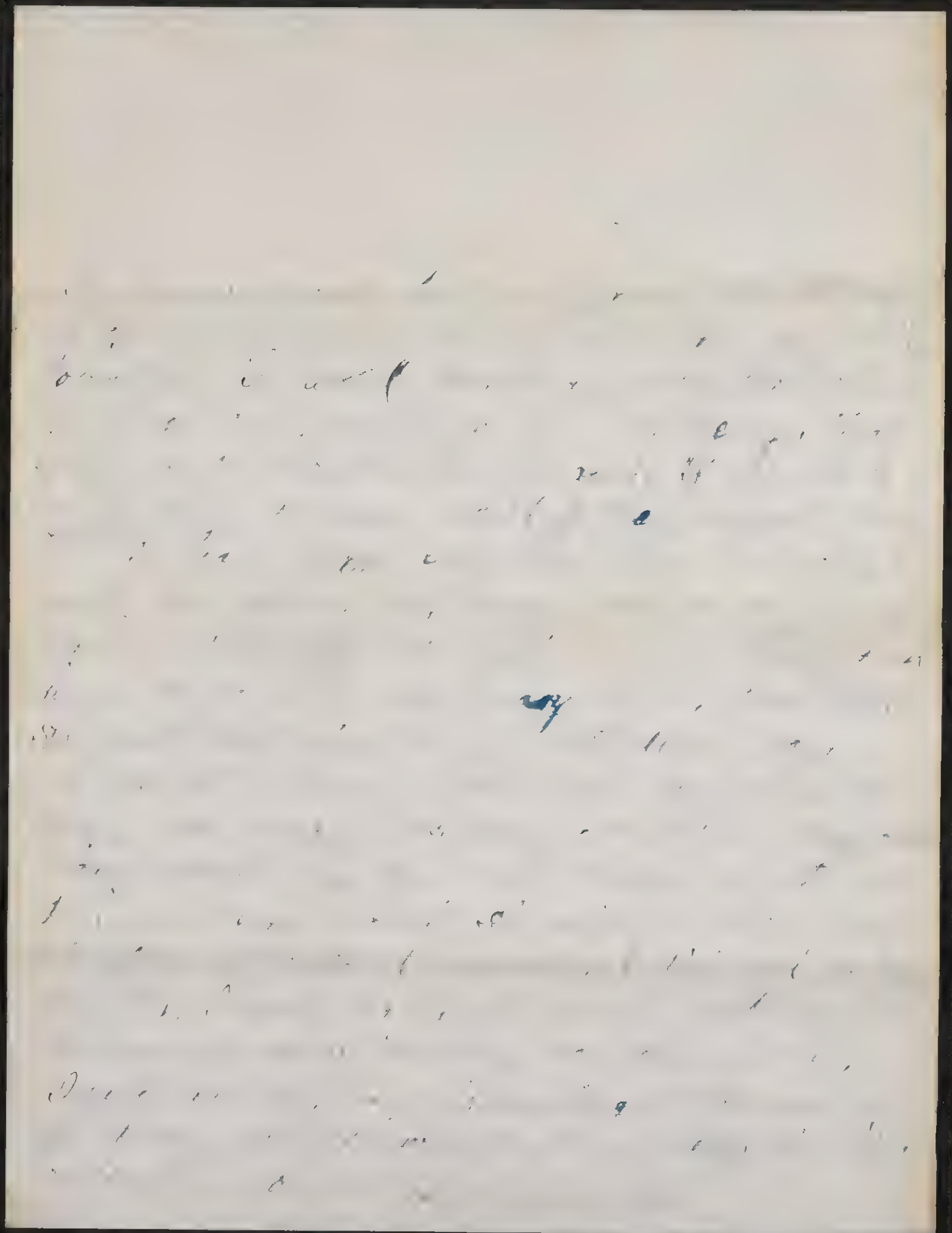
Melissa Brooks age 35 years

Jno. P. Bray J. D.

I have known Wm. Deary
for twenty eight years and never
heard or known any thing against his
character

Jno. P. Bray

U. S. Census





1892
 Wm. Deane (Tr. Sec. Co. No 74)
 To J. A. R. Watt Clerk

Octo.	Spa in Spec. vs Sarah Deane 25 Copy 18	In
	Receipt 18, fil bill 15 - Oct 18, My 10 Rules 100	34
	return 35, order Pub 34 Copy 60 Affid 25	1.61
Dec	fil 15 Cert. Dates 75 - Dec 30, 1891	1.86
1892	Contd at Rules 1.50 Tax 1.50	1.35
Mr	Contd 1.08 1892 Contd 1.08 Tying Cost 90	3.00
		3.06

By Erroneous report
 on

\$10.96

In the Clerk's Office of the Circuit Court of the County of
Lee on the 20 day of September 1872.

James M. Leach
against

Plaintiff

Sarah Leach
Defendant

The object of this suit is to

set aside the bonds of matrimony existing between the parties

And an affidavit having been made and filed that the defendant

is not resident of the State of Virginia, it is ordered that she do appear here, within five days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the County Court.

A copy—Teste:

J. P. Leach
p. q.

J. P. Leach
Clerk.

vs.) ORDER OF
) PUBLICATION.

I created an office
of this order
in court house
four on the
first day of
the month of
and there will
be a copy of
the order
in the
office of the
clerk of the
court.

In the Clerk's Office of the Circuit Court of the County of
CC

against

Jm. Conroy

Plaintiff

Defendant

This day
before me,

J. M. Conroy

and being duly sworn, made oath that

personally appeared
Clerk of the said Court.

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 26 day of

2/12 *Quincy*

vs.

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION.

1
Quincy

2/12 *p. q.*

2/12

The Commonwaaith of Virginia.

TO THE SHERIFF OF LEE COUNTY GREETING:

We Command, You to Summon

Sarah E. Deary

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

October next, being rule day to answer a bill in Chancery exhibited in our said Court against

..... by *W. M. Deary*

And have then and there this writ Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This ... *20th* day of *Sept* 18*92*, in the 11⁷ year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

W. M. Deary
vs $\frac{3}{4}$ Spain
Chcy
Sarah Deary
To 1st Oct. Rules 1847

Not executed
not found in
my bailiwick
Sept 21st 1847
C. E. Flannery S. L. C.

Printed for \$5.00

In the clerk's office of the circuit court
of the county of Lee on the 20th day of
September 1892.

Wm. M. Dearry, plff.

vs.

Sarrah Dearry, deft.

} In Chancery

The object of this suit is to obtain a di-
vorce from the bonds of matrimony now
existing between plaintiff and defendant.
And an affidavit having been made and
filed that the defendant Sarah Dearry is
a not a resident of the State of Virginia,
is is ordered that she do appear here,
within fifteen days after due publication
hereof, and do what may be necessary to
protect her interest in this suit. And it
is further ordered that a copy hereof be
published once a week for four weeks in
the Lee County Republican, and a copy
be posted at the courthouse of this coun-
ty on the first day of the next term of the
county court.

A copy—Teste:

J. A. G. Hyatt, circuit clerk.

M. G. Ely, p. c.

sep 22-4t

VIRGINIA, Lee County, To wit: I

Geo. C. Coleman, editor and publisher

of the LEE COUNTY REPUBLICAN, a news-

paper, printed in the town of Jonesville.

in the county of Lee, Virginia, do here-

by certify that the foregoing order of

publication was duly published in said

paper for four successive weeks, from

and after the 22 day of Sept.....

1892 Ending on the 20 day of Oct.....

..... 1892..

Geo. C. Coleman,

Editor and Publisher'

Wm. M. Deary
vs Printers
Certificate
Sarah Deary

Pro fees \$5.00